

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER

Plaintiff,

v.

DETECTIVE SHARON KRAUSE, and
SERGEANT MICHAEL DAVIDSON,

Defendants.

No. C11-5424BHS

**PLAINTIFF'S MOTION FOR
LEAVE TO FILE MOTIONS IN
LIMINE IN EXCESS OF 18
PAGES**

**NOTICE DATE: Friday,
November 15, 2013**

NOW COMES Plaintiff, Clyde Ray Spencer, by and through his attorneys, Kathleen T. Zellner & Associates, P.C., and hereby moves this Honorable Court for leave to file motions in limine in excess of 18 pages, and in support thereof states as follows:

- 1) Trial in this matter is scheduled to proceed January 7, 2014.
- 2) Motions in limine are due December 2, 2013.
- 3) Plaintiff seeks leave to file motions in limine in excess of the 18 page limit imposed by LCR 7(3)(5).
- 4) As this Court is aware the instant lawsuit involves, *inter alia*, the alleged malicious prosecution of Plaintiff stemming from criminal charges filed in 1985. The underlying criminal proceedings span more than 25 years. During that time several personal

1 restraint petitions were filed in state court, and a petition for writ of habeas corpus was filed
 2 and litigated in federal court. As a result an extensive amount of discovery has taken place,
 3 including the disclosure of more than 15,000 documents between the parties.

4 5) Additionally, this Court has ruled on various summary judgment motions,
 5 dismissing several parties and narrowing Plaintiff's causes of action.

6 6) Due to the procedural posture of the case and the large volume of potential
 7 "evidence" that could be offered by the defense, numerous motions in limine are needed to
 8 properly limit the evidence to the issues that remain to be resolved by the jury at trial.
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10 7) Plaintiff thus seeks an order granting him leave to file motions in limine not to
 11 exceed 32 pages.

12 8) Plaintiff's aim is not to burden this Court or the defense with unnecessary
 13 pretrial matters, but rather to avoid prejudice, confusion, and delay at trial. Further, in
 14 accordance with LCR 7(d)(4), Plaintiff's counsel will confer in good faith with defense counsel
 15 regarding which evidentiary matters are truly in dispute.
 16

17 Conclusion

18 WHEREFORE, Plaintiff respectfully requests an order granting him leave to file
 19 motions in limine not to exceed 32 pages.

20 Respectfully submitted,

21
 22 /s/ Kathleen T. Zellner
 23 Kathleen T. Zellner & Associates, P.C.
 24 Admitted *pro hac vice*
 1901 Butterfield Road
 Suite 650
 Downers Grove, Illinois 60515
 Phone: (630) 955-1212
 Fax: (630) 955-1111
kathleen.zellner@gmail.com
 27 Attorney for Plaintiffs

/s/ Daniel T. Davies
 Daniel T. Davies, WSBA # 41793
 Local counsel
 David Wright Tremaine LLP
 1201 Third Avenue, Suite 2200
 Seattle, Washington 98101-3045
 Phone: (206) 757-8286
 Fax: (206) 757-7286
 Email: dandavies@dwt.com
 Attorney for Plaintiffs

DECLARATION OF SERVICE

I hereby certify that on November 15, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the attorneys of record as follows:

Guy Bogdanoich Law, Lyman, Daniel, Kamerrer & Bogdanovich, P.S. P.O. Box 11880 Olympia, WA 98508-1880 Email: gbogdanovich@lldkb.com Attorney for Defendant Sharon Krause	Jeffrey A. O. Freimund Freimund Jackson Tardif & Benedict Garratt, PLLC 711 Capitol Way South, Suite 602 Olympia, WA 98502 Email: jeffF@fjtlaw.com Attorneys for Defendant Michael Davidson
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/s/ Kathleen T. Zellner
Kathleen T. Zellner & Associates, P.C.
Admitted *pro hac vice*
1901 Butterfield Road
Suite 650
Downers Grove, Illinois 60515
Phone: (630) 955-1212
Fax: (630) 955-1111
kathleen.zellner@gmail.com
Attorney for Plaintiffs